



INTERO
REAL ESTATE SERVICES
Evergreen

12

August 3, 2006

City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

To: The Honorable City Council

RE: Certificate of Compliance Application

Address: 1430 Calle Oriente
Milpitas, CA 95035

APN: 029-05-023

This letter is to request for the above property to be issued a Certificate of Compliance in accordance to Sections: XI-1-18.07 (a) of the City of Milpitas Municipal Code and Sections 66499.34 and 66499.35 of the California State Subdivision Map Act (Gov. Code as 66410-66499.37)

The above property include parcels C, D & E as shown on that certain Map entitled "Record of Survey Land of Timerick Company Inc", being lots 25 & 26 of Tract No. 2575, Monte De Oro, recorded on May 6, 1964.

The above property was acquired by Brian T. Brager on February 6, 2006 from Daniel Corbett, as successor Trustee of the Leotta McCulla Revocable Trust, created on Feb 27, 2002.

Please call me for any questions at 408-499-3887.

Very truly yours,

Brian T. Brager
Owner

FINDINGS AND RECOMMENDED CONDITIONS OF APPROVAL

CERTIFICATE OF COMPLIANCE (P-CC2006-1)

Application for a Certificate of Compliance to legalize three developed parcels.
1416-1444 Calle Oriente Drive (APN: 029-05-023)

FINDINGS FOR APPROVAL

1. The Certificate of Compliance will bring the parcels into conformance with the Subdivision Map Act and will become legal lots of record.
2. The lots and all conditions of approval are in conformance with the City of Milpitas Zoning Ordinance.

CONDITIONS OF APPROVAL

1. This Certificate of Compliance (P-CC2006-1) is to legalize three developed parcels as depicted on the approved plans dated August 1, 2006, and as amended by the approved special conditions. (P)
2. Concurrent with recordation of this Certificate of Compliance, the applicant shall record a reciprocal easement and maintenance agreement between lots C & D. The reciprocal agreement shall provide for the use of lands and maintenance of all private utility facilities including but not limited to, shared access driveway, drainage, sewer, water, landscaping, walls and other common area facilities, as shown on the Engineering Services Exhibit "S" dated 4/26/2006.
3. Prior to or concurrent with recordation of this Certificate of Compliance, for any of the lots identified as part of this Certificate of Compliance, the applicant shall dedicate necessary public service utility easements along Calle Oriente, as shown on the Engineering Services Exhibit "S" dated 4/26/2006.
4. Prior recordation of this Certificate of Compliance, the applicant shall obtain design approval and bond for all necessary public improvements along Calle Oriente, including but not limited to the removal and replacement of damaged curb, gutter and sidewalk, installation of an ADA approved ramp at the corner of Calle Oriente/Evans, and removal and replacement of the existing driveways, as shown on the Engineering Services Exhibit "S" dated 4/26/2006.
5. Prior recordation of this Certificate of Compliance, the applicant shall bond to underground all existing transmission line and service line serving the lots identified as part of this Certificate of Compliance, on the utility poles number 1 to 5, with utility poles number 2, 3 and 4 be removed, as shown on the Engineering Services Exhibit "S" dated 6/26/2006. With the exception of transmission lines supported by metal poles carrying voltages of 37.5KV or more that do not have to be underground, all above ground utilities must be underground.

DRAFT

Control No. XXXXXXXX

Recording Requested by
and when Recorded, return to:

CITY OF MILPITAS
455 E. CALAVERAS BOULEVARD
MILPITAS, CA 95035-5479

Attn: City Clerk

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

CERTIFICATE OF COMPLIANCE No. P-CC2006-1

Lands of: **Brian T. Brager, an unmarried man**

Notice is hereby given pursuant to Section 66499.35 of the Government Code of the State of California that the real property composed of three (3) parcels, known as Assessor's Parcel Number 029-05-023, described in "Exhibit A" attached hereto and made part hereof, complies with the Subdivision Map Act, and all local ordinances enacted pursuant thereto.

The subject lots as shown on the map attached as Exhibit "A" shall be subject to the following conditions:

1. Concurrent with recordation of this Certificate of Compliance, the applicant shall record a reciprocal easement and maintenance agreement between lots C & D. The reciprocal agreement shall provide for the use of lands and maintenance of all private utility facilities including but not limited to, shared access driveway, drainage, sewer, water, landscaping, walls and other common area facilities, as shown on the Exhibit "A".
2. Prior to or concurrent with recordation of this Certificate of Compliance, for any of the lots identified as part of this Certificate of Compliance, the applicant shall dedicate necessary public service utility easements along Calle Oriente, as shown on the Exhibit "A".

DRAFT

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances pursuant thereto. The parcels described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcels may require issuance of a permit or permits, or other grant or grants of approval.

Date: _____

Approved By: _____
Charles Lawson, City Manager

ACKNOWLEDGEMENT BY CITY ATTORNEY UNDER CIVIL CODE SECTION 1181

City of Milpitas
County of Santa Clara
State of California

On this ____ day of _____, 2006, before me, Steve T. Mattas, City Attorney of the City of Milpitas, California, personally appeared Charles Lawson, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed this instrument as Interim City Manager of the City of Milpitas, and acknowledged to me that the City of Milpitas executed it.

Steve T. Mattas, City Attorney

EXHIBIT A
LEGAL DESCRIPTION
Lot C, ROS 178-M-6

All the certain property situated in the city of Milpitas, state of California, described as follows:

BEGINNING at the Northwesterly corner of lot C, as shown on the Record of Survey recorded in Book 178 of Maps at page 6, Santa Clara County records, said point also being on the Southerly right of way of Calle Oriente; thence proceeding along the aforementioned Southerly right of way of Calle Oriente N75°43'45"E 59.02 feet; thence along a tangent curve to the left, with a radius of 180.00 feet, and an internal angle of 4°56'57", and an arc length of 15.55 feet; thence leaving said Southerly right of way of Calle Oriente and proceeding along the Easterly line of said Lot C S19°13'14"E 121.13 to the Southeasterly corner of said Lot C; thence proceeding along the Southerly line of said Lot C S75°43'45"W 85.00 feet to the Southwesterly corner of said Lot C; thence along the Westerly line of said Lot C N14°16'15"W 120.00 feet to the point of **BEGINNING** of this description.

Containing 9,580 square feet (0.22 acres), more or less and being all of lot C as shown on the aforementioned Record of Survey.

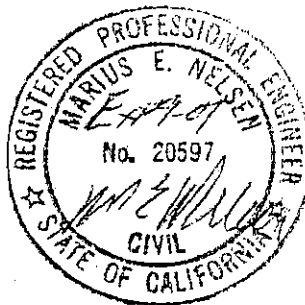


EXHIBIT A
LEGAL DESCRIPTION
Lot D, ROS 178-M-6

All the certain property situated in the city of Milpitas, state of California, described as follows:

BEGINNING at the Northwestern corner of lot D, as shown on the Record of Survey recorded in Book 178 of Maps at page 6, Santa Clara County records, said point also being on the Southerly right of way of Calle Oriente; thence proceeding along the aforementioned Southerly right of way of Calle Oriente on a curve to the left, with a radial of $S19^{\circ}13'12''E$, a radius of 180.00 feet, an internal angle of $20^{\circ}59'50''$, and an arc length of 65.96 feet; thence leaving said Southerly right of way of Calle Oriente and proceeding along the Easterly line of said Lot D $S40^{\circ}13'08''E$ 153.64 to the Southeasterly corner of said Lot D; thence proceeding along the Southerly line of said Lot D $S75^{\circ}43'45''W$ 120.00 feet to the Southwesterly corner of said Lot D; thence along the Westerly line of said Lot D $N19^{\circ}13'14''W$ 121.13 feet to the point of **BEGINNING** of this description.

Containing 12,063 square feet (0.28 acres), more or less and being all of lot D as shown on the aforementioned Record of Survey.

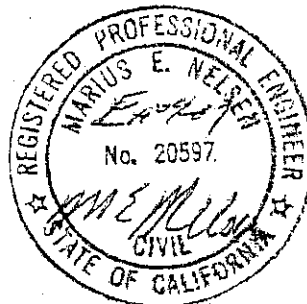


EXHIBIT A
LEGAL DESCRIPTION
Lot E, ROS 178-M-6

All the certain property situated in the city of Milpitas, state of California, described as follows:

BEGINNING at the Northwesterly corner of Lot E, as shown on the Record of Survey recorded in Book 178 of Maps at page 6, Santa Clara County records, said point also being on the Southerly right of way of Calle Oriente; thence proceeding along the aforementioned Southerly right of way of Calle Oriente on a curve to the left, with a radial of $N40^{\circ}13'02''W$, a radius of 180.00 feet, an internal angle of $12^{\circ}13'34''$, and an arc length of 33.51 feet to a point of tangency; thence $N37^{\circ}31'25''E$ 8.14 feet; thence leaving said Southerly right of way of Calle Oriente and proceeding along a tangent curve to the right, with a radius of 20.00 feet, and an internal angle of $90^{\circ}00'00''$, and an arc length of 31.42 feet to a point on the Westerly right of way of Evans Road; thence proceeding along the Westerly right of way of Evans Road $S52^{\circ}28'35''E$ 21.29 feet; thence along a tangent curve to the left, with a radius of 745.00 feet, an internal angle of $16^{\circ}00'03''$ and an arc length of 208.05; thence leaving said Westerly right of way of Evans Road and proceeding $S75^{\circ}43'45''W$ 162.69 feet to the Southwesterly corner of said Lot E; thence along the Westerly line of said Lot E $N40^{\circ}13'98''W$ 153.64 feet to the point of **BEGINNING** of this description.

Containing 17,593 square feet (0.40 acres), more or less and being all of Lot E as shown on the aforementioned Record of Survey.



4/26/06
DATE
BK

North	4794.0843	East	1948.8905
Length	63.89	Nodes	1822.00
Churn	85.80	Count	1000
Nodes to	H 10-13-12 W	Nodes	H 30-10-23 E
End North	4793.8008	Count	D 40-13-02 E
Nodes	4793.8008	Count	D 10-13-02 E
Length	132.00	Count	1908.8580
Churn	87.70-73.00 W	Count	1000.1857
Nodes to	H 10-13-11 W	Nodes	1986.8647
End North	4794.1344	Count	1944.8630
Nodes	4794.0843	Count	121.13
Length	12.063 m ft, 0.28 acre		
Perimeter	461.73	Arcs	12.063 m ft, 0.28 acre
Unlabeled Churns	=(Unk listed churns, road, and debris)		
Unlabeled Nodes	=(Unk listed nodes, road, and debris)		
Error	0.000006	Count	0.001098
Iteration	1: 257,322.51		

[illegible]

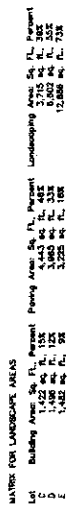
1" = 20'

NAME OF PROPERTY OWNER
SPRAIN BRANCH

EDGE OF PAVEMENT

CONSTRUCT ADA APPROVED RAMP

LAWSON'S PARCEL MAP
1-16-02



NOTE: The certificate relates to issues of compliance or noncompliance with the Subchapter S tax Act and local ordinances enacted pursuant thereto. The portra(s) described herein may or may not be issued or modified without further compliance with the Subchapter S tax Act or any other local ordinances enacted pursuant thereto. Preliminary to the portra(s) may require to be fulfilled and implemented prior to the grant of approval. Any such requirements may be fulfilled and implemented prior to the grant of approval of a portra(s) or other grant of approval for development of the property, and be as specified in the conditional certificate of compliance.

LOTS C, D, AND E
RECORD OF
SURVEY
178 MAPS 6

NOTE: REMOVE AND REPLACE ALL DAMAGED CURB,
GUTTER AND SIDEWALK ALONG CALLE ORIENTE FROM TAGE